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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,606	03/31/2004	Robert Joseph Angen	64367.000002	4352
21967 7590 12/10/2007 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER NEWTON, JARED W	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 12/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,606

Applicant(s)

ANGEN ET AL.

Examiner

Jared W. Newton

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 21, 2007 has been entered. Claims 1-18 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 606,889 to Gregory.

In regard to claim 1, Gregory discloses a display system comprising a support shelf assembly comprising an upper side M and a lower side disposed oppositely from said upper side (see FIG. 1). Gregory further discloses a wall mounting assembly A,C,D and E capable of removably mounting the shelf assembly to a wall and removably mounting the shelf assembly via pin H and thumb-screw I, wherein the shelf assembly may be removed without removing a wall mount attachment mechanism, e.g. screws

passed through screw holes B, from the wall mounting assembly A (see FIG. 1); and a mounting bracket or disk assembly N for rotably and removably mounting an object such that said object may be rotated on said disk via rotatable fastener O, and said object may be secured to and removed from said disk via mounting holes P (see FIGS. 1 and 2). The support as disclosed by Gregory further enables a person to view at least a majority of an object secured to said disk N from the second (bottom) side of said support.

In regard to claim 5, the system disclosed by Gregory is capable of mounting a model car as a display object.

In regard to claim 6, Gregory discloses mounting screw holes P capable of receiving a packaging attachment mechanism to secure an object to the bracket or disk N, said disk being removably and rotably attached to said shelf assembly via fastener O (see FIG. 1). It is noted that the packaging attachment mechanism according to the disclosure of the present application comprises "...bolts, screws, and the like..." (Page 5, Line 14). Because the Gregory reference provides screw holes adaptable to receive a packaging mechanism such as screws, the reference inherently meets the limitations of the claim.

In regard to claim 7, Gregory further discloses the bracket or disk N as having one side connectable to an object, and an opposite side removably connected to the shelf assembly (see FIG. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 10, 11, 12, 14, 15, and 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over '889 to Gregory as applied to claim 1 above, and further in view of U.S. Patent No. Des. 305,190 to Winter et al.

In regard to claims 2, 10, 11, 14, 15, and 16, Gregory discloses a shelf structure comprising all of the limitations of claim 1, but does not disclose said assembly being transparent. Winter discloses a display shelf comprising a transparent shelf assembly and transparent wall mounting assemblies (see FIG. 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to construct the shelf structure as disclosed by Gregory of a transparent material as disclosed by Winter. The motivation for using a transparent material would be to focus visual attention on the object supported by said shelf. It is well known and obvious in the art of display shelves to construct the shelves of a transparent material so that attention is focused on the object displayed as opposed to the shelf itself. Such displays are shown in U.S. Patent Nos. D476,841 and D476,840 to Hoernig

In regard to claims 3 and 12, Gregory does not disclose said shelf assembly disposed at an acute angle relative to the vertical mounting surface. Winter discloses said display shelf as being disposed at an acute angle relative to a wall (see FIG. 3).

It would have been further obvious to one of ordinary skill in the art at the time of the invention to dispose the shelf structure as disclosed by Gregory at an acute angle relative to its mounting surface. The motivation for orienting said shelf at an acute angle would be to bias the object displayed towards the mounting surface, so that if said object became detached from said shelf structure, it would fall backwardly against the wall as opposed to forwardly off the shelf.

In regard to claim 14, the system disclosed by Gregory is capable of mounting a model car as a display object.

Claims 8, 9, 17, and 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over '889 to Gregory in view of '190 to Winter as applied to claims 2, 3, 10, 12, 15, and 16 above, and further in view of U.S. Patent No. 5,165,539 to Peters.

Gregory in view of Winter discloses a shelf structure comprising all of the limitations of claims 7 and 16, but does not disclose said mounting disk or bracket to Gregory as being transparent, or enabling a viewer to see a portion of the display object through said bracket. Peters discloses a display device comprising an object supporting portion 30 comprised of transparent material (see Column 2, Line 28). It would have been obvious to one of ordinary skill in the art at the time of the invention to construct the support portion or disk as disclosed by Gregory of a transparent material as

disclosed by Peters, so that an object on said disk is viewable from all angles. The motivation for providing a transparent support portion would be to focus visual attention on the object supported by said support disk. It is well known and obvious in the art of display assemblies to construct the support portions of a transparent material so that attention is focused on the object displayed as opposed to the support portion itself.

Claims 4 and 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over '889 to Gregory in view of '190 to Winter as applied to claims 2, 3, 10, 12, 15, and 16 above, and further in view of U.S. Patent No. 6,467,745 to Sickels.

Gregory in view of Winter discloses a shelf structure comprising all of the limitations of claims 1 and 10, but does not disclose said shelf as being disposed in a parallel relationship to a vertical surface. Sickels discloses a mounting bracket assembly for adjustably mounting an object to a support surface, such as a wall (see FIG. 1). Sickels further discloses the main support surface 24 disposed in a parallel relationship to said wall 14 (see FIG. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the wall mount assembly as disclosed by Sickels to mount the shelf assembly as disclosed by Gregory, so that the shelf assembly is disposed in a parallel relationship to the wall. The motivation for including the wall mount assembly as disclosed by Sickels would be to allow the shelf as disclosed by Gregory to support long objects that would come into contact with the wall surface when the shelf is disposed perpendicularly to said wall. Orienting the shelf parallel to the wall is an obvious solution to the problem of supporting objects of any size or length.

Response to Arguments

In view of the Amendments filed September 21, 2007, the New Matter Objections to the Specification are hereby withdrawn. The amendments are entered herein.

In view of the amendments filed September 21, 2007, the rejections under 35 USC § 112 1st and 2nd Paragraphs, set forth in the Office Action mailed June 21, 2007, are hereby withdrawn.

Applicant's arguments filed September 21, 2007, with respect to the Gregory, Winter, Sickels, and Peter references have been fully considered but they are not persuasive.

With respect to Gregory, Applicant recites, "Gregory's type-writer support system is not attached to a wall." (Remarks, page 7). Applicant's claim recitation relating to this assertion recites, "for mounting to a wall" (see e.g. claim 1, line 3), which indicates the intended use of the claimed invention—that is, a wall is not a required element of the claimed invention. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, it meets the claim. Applicant has not provided support as to why the system of Gregory would be incapable of mounting to a wall. Moreover, Gregory's system is mounted to the side of a desk, which one of ordinary skill in the art may consider a "wall," when that limitation is given its broadest reasonable interpretation. A "wall" is defined as a "vertical structure or partition that serves to enclose or separate." Surely this definition encompasses the side of a desk.

Applicant further recites, "Gregory's type-writer support system cannot be removed from the desk without removing plate A at hinge lugs C and D ... Gregory fails to teach at least a "shelf assembly may be removed without removing a wall mount attachment mechanism from one or more wall mounting assemblies" (emphasis omitted). To the contrary, as set forth in the claim rejections above, the hinge lugs C and D are fixed to plate A, and reinforced by rib E, to form the wall mount assembly (see Gregory, col. 1, lines 37-47). Plate A includes a beveled edge K (see col. 2, lines 61-62). The shelf assembly includes shelf having upper side represented by plate M, beveled edge L (that interacts with beveled edge K), and bracket F (see col. 1, line 48 - col. 2, line 82). The shelf assembly (including bracket F) is removably attached to the wall mount assembly via pin H and thumb-screw I (see id.). Therefore, contrary to Applicant's assertions, the shelf assembly may be removed without disengaging wall mount attachment mechanisms (screws passed through screw-holes B) from plate A.

Applicant's remaining Remarks filed September 21, 2007 are based on the foregoing alleged deficiencies of the Gregory reference. Because the Examiner maintains the rejections based on Gregory as set forth above, the rejections based on Gregory in view of the Winter, Sickels, and Peter references are also maintained.

Conclusion

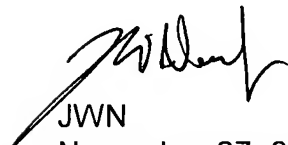
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

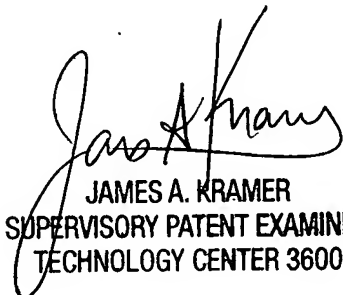
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JWN
November 27, 2007.

 11.28.07
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SUPERVISORY PATENT EXAMINER
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